

STEVEN M. LEVITAN (SBN 148716)
CLARK S. STONE (SBN 202123)
MacPHERSON KWOK CHEN & HEID LLP
1762 Technology Drive, Suite 226
San Jose, California 95110
Phone: (408) 392-9250
Facsimile: (408) 392-9262
Email: slevitan@macpherson-kwok.com
cstone@macpherson-kwok.com

Attorneys for Plaintiff
SHERMAN & ASSOCIATES, INC.

HENRY C. BUNSOW (SBN 60707)
ROBERT F. KRAMER (SBN 181706)
HOWREY LLP
525 Market Street, Suite 3600
San Francisco, California, 94105
Phone: (415) 848-4900
Facsimile: (415) 848-4999
Email: BunsowH@howrey.com
KramerR@howrey.com

Attorneys for Defendants
ASM INTERNATIONAL, N.V.
ASM AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHERMAN & ASSOCIATES, INC., a California
Corporation,

Plaintiff,

vs.

ASM INTERNATIONAL N.V., a Netherlands
Corporation, and ASM AMERICA, INC., a
Delaware Corporation,

Defendants.

No. Case No.C-05-05008 RMW

**STIPULATION AND ORDER
DISMISSING ACTION WITH PREJUDICE**

1 IT IS HEREBY STIPULATED by and between the parties to this action through their counsel
2 of record that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal
3 Rule of Civil Procedure 41(a). Each party shall bear its own costs and attorneys' fees.

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5 DATED: June 8, 2006

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8 SHERMAN & ASSOCIATES, INC.

/s/
Clark S. Stone

MacPHERSON KWOK CHEN & HEID LLP
Attorneys for Plaintiff Sherman & Associates, Inc.

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11 DATED: May 24, 2006

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14 ASM INTERNATIONAL, N.V.
ASM AMERICA, INC.

/s/
Henry Bunsow

HOWREY LLP
Attorneys for Defendants ASM International, N.V.
and ASM America, Inc.

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19 IT IS SO ORDERED.

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21 DATED: 6 / 8 / 06, 2006

Ronald M. Whyte
The Honorable Ronald M. Whyte

ATTESTATION OF SIGNATURE

(General Order 45)

Pursuant to N.D. Cal. General Order 45, I hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories and I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document:

Dated: June 8, 2006

MacPHERSON KWOK CHEN & HEID LLP

By _____/s/_____
Clark S. Stone